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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA) NO. 5:21-mj-71750-MAG
16 v.)
17 DANIELDUY NGUYEN,) STIPULATION AND ORDER (AS MODIFIED)
18 Defendant.) TO CONTINUE AND TO EXCLUDE TIME
19) FROM SPEEDY TRIAL ACT AND RULE 5.1
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STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The defendant was arraigned on the criminal complaint on November 5, 2021, and was released from custody on Pretrial bond conditions ordered by the Honorable Kandis A. Westmore on November 16, 2021. At that time, with the agreement of the parties, the matter was continued to December 16, 2021, and time with respect to a speedy indictment was excluded until that date for effective preparation of counsel.

2. On December 13, 2021, the defendant substituted in Daniel Perlman as counsel of record to replace Erik Babcock.

3. The parties now seek to continue the matter to January 27, 2022, so that they will have sufficient time to explore a potential pre-indictment resolution of the case. The parties also request that the time between December 16, 2021 and January 27, 2022, be excluded pursuant to the Speedy Trial

1 Act and Rule 5.1 of the Federal Rules of Criminal Procedure. The parties believe the exclusion of time
2 is necessary for effective preparation of counsel, taking into account the exercise of due diligence. The
3 parties concur that granting the exclusion would allow the reasonable time necessary for effective
4 preparation of counsel and continuity of counsel. *See* 18 U.S.C. §3161(h)(7)(B)(iv). The parties also
5 agree that the ends of justice served by granting such an exclusion of time for the purposes of effective
6 preparation of counsel outweigh the best interests of the public and the defendant in a speedy indictment
7 and trial. 18 U.S.C. § 3161(h)(7)(A).

8 IT IS SO STIPULATED.

9
10 DATED: December 13, 2021

STEPHANIE M. HINDS
Acting United States Attorney

12 _____/s/
13 STEPHEN MEYER
14 Assistant United States Attorney

15 DATED: December 13, 2021

16 _____/s/
17 DANIEL PERLMAN
18 Counsel for the Defendant

1 **ORDER (AS MODIFIED)**

2 Based upon the parties Stipulation, the COURT GRANTS the parties request to continue the
3 court appearance in this matter from December 16, 2021 to January 27, 2022 **at 2:00 p.m.**

4 THE COURT FURTHER FINDS THAT the ends of justice are served by granting the parties'
5 request to exclude time under the Speedy Trial Act and Rule 5.1 of the Rules of Criminal Procedure
6 from December 16, 2021 through January 27, 2022, and outweigh the best interest of the public and the
7 defendant in a speedy indictment and trial, and that failure to grant such an exclusion of time would
8 unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 Accordingly, THE COURT ORDERS THAT the period from December 16, 2021 through
11 January 27, 2022, is excluded from the otherwise applicable Speedy Trial Act computation relating to
12 Speedy Indictment, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

13 IT IS SO ORDERED AS MODIFIED.

14
15 DATED: December 13, 2021

